



COMMUNITY DEVELOPMENT COMMISSION
County of Los Angeles

2 Coral Circle • Monterey Park, CA 91755
323.890.7001 • www.lacdc.org

Gloria Molina
Yvonne Brathwaite Burke
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Commissioners

Carlos Jackson
Executive Director

June 1, 2004

Honorable Board of Commissioners
Community Development Commission
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Honorable Board of Commissioners
Housing Authority of the
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

**APPROVE ADMINISTRATIVE AND PERSONNEL POLICIES FOR THE COMMUNITY
DEVELOPMENT COMMISSION (ALL DISTRICTS)**
(3 Vote)

**IT IS RECOMMENDED THAT THE BOARD OF COMMISSIONERS OF THE
COMMUNITY DEVELOPMENT COMMISSION:**

Approve the Community Development Commission's amended Administrative and Personnel Policies, which provide a framework for the Commission's personnel system and ensure compliance with Federal and State regulations, to be effective upon the date of Board approval.

**IT IS RECOMMENDED THAT THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY:**

Approve the Community Development Commission's amended Administrative and Personnel Policies, which provide a framework for the Commission's personnel system and ensure compliance with Federal and State regulations, to be effective upon the date of Board approval.

PURPOSE/JUSTIFICATION OF THE RECOMMENDED ACTION:

The recommended revisions to the Commission's Administrative and Personnel Policies will update policies to provide conformity with Federal and State regulations and clarify existing policies. The Board of Commissioners of the Housing Authority must approve the amendments to the Administrative and Personnel Policies, because Housing Authority funds are used to pay for the salaries and benefits of Community Development Commission personnel performing Housing Authority functions.

FISCAL IMPACT/FINANCING:

There is no fiscal impact associated with the Commission's amended Administrative and Personnel Policies. In the future, the Commission's liabilities for the retiree medical program are expected to decrease as a result of the changes made to the policy.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

On December 28, 1982, the Board adopted a Resolution establishing the Commission's Administrative and Personnel Policies and provided the framework for the current personnel system. The Board approved amendments to the Administrative and Personnel Policies on May 5, 1988, April 12, 1990, June 11, 1992, November 21, 1995, and April 3, 2001.

Many of the changes to the current Administrative and Personnel Policies consist of minor language edits for purposes of clarity. In addition, specific policies are amended or added as follows:

Section 119 - maintenance workers shall receive overtime compensation for emergency after-hours service after the completion of 40 regular hours during the workweek, in accordance with overtime provisions;

Section 130 - personal auto insurance is primary when the employee is involved in a vehicle accident when using his/her personal vehicle to perform Commission-related business; and employees without valid drivers' licenses shall not be permitted to drive for Commission-related business;

Section 140 - smoking is prohibited inside all Commission facilities and within 20 feet of any entrance to a Commission facility;

Section 202.2 - employees contributing to the California State Disability program may be eligible to apply for temporary family disability benefits;

Section 205 - the Consolidated Omnibus Budget Reconciliation Act (COBRA) includes recent federal and state requirements.

Section 404 - parental leave for school visits is extended to guardians or grandparents having custody of a child; and

Section 409 - employees who are victims of domestic violence are eligible to request a confidential unpaid leave from work.

In addition to the above changes, the Retiree Medical portion of the Administrative and Personnel Policies, Section 216, was modified to ensure adequate funding of the retiree medical plan based upon estimated future premium payments. This section is amended, effective January 1, 2005, as follows: retirees must enroll in Medicare Parts A & B upon reaching eligibility age; the medical insurance benefit is capped so the Commission's contribution does not exceed the highest amount contributed for a current employee of the Commission for employee only medical insurance; and the Commission's contribution a current towards the payment of medical insurance for retirees residing outside of the service area of current health plans does not exceed the highest amount contributed for employee of the Commission for employee only medical insurance. The Commission also reserves the right to modify the retiree benefit in the future, if needed.

These modifications will permit adherence to the disclosure requirements with Statements Nos. 26 and 27 of the Governmental Accounting Standards Board. This Board establishes standards of financial accounting and reporting for state and local governmental entities. Statements Nos. 26 and 27 will be modified in 2006 requiring public agencies to disclose the financial status and activity of post-employment healthcare benefits plans.

County Counsel and special labor counsel have reviewed the revised policies. The Chief Administrative Office has reviewed this letter. At its meeting of April 28, 2004, the Housing Commission recommended approval of this action.

IMPACT ON CURRENT PROGRAM:

The recommended revisions of the Administrative and Personnel Policies will incorporate required regulations and update policies and procedures.

Respectfully submitted,

CARLOS JACKSON
Executive Director

Attachment: 1

100 DEFINITIONS AND GENERAL PROVISIONS

101 Commission

“Commission” means the Community Development Commission of *the County of Los Angeles*.

102 Board

“Board” means the Board of Commissioners of the Community Development Commission of *the County of Los Angeles*.

103 Executive Director

“Executive Director” is the Commission’s Chief Executive Officer.

104 Appointments

104.1 Officers

An “Officer” is a person appointed to the position of Executive Director, Assistant Executive Director, Director or Manager.

104.2 Temporary Appointments

“Temporary Appointment” means employment of a person to be paid on an hourly basis. Appointments are limited to six months duration unless extended by the Executive Director.

104.3 Contract Appointments

“Contract Appointment” means employment of a person to be paid on an hourly or salary basis. Employment is based on the terms and conditions set forth in the Agreement for Contract Employment. Duration of the employment contract/agreement may not exceed 12 months, but may be renewed at the discretion of the Executive Director.

104.4 Regular Appointments

“Regular Appointment” is employment other than as an Officer, or as a contract appointment, or a temporary appointment.

104.5 Acting Appointments

“Acting Appointment” is the temporary assignment of a contract employee to a different contract position, the temporary assignment of a regular employee to a different regular position, the temporary assignment of an Officer to a different Officer position, or the temporary assignment of a regular employee to an Officer position. An acting appointment may be made for a period not to exceed six months. During the acting appointment, adjustments may be made to the acting appointee’s pay or benefits.

104.6 Conditions of Appointment

Except as may be prescribed by statute or as may be provided by the Commission, the Executive Director serves at the pleasure of the Commission. All other Officers, all temporary, regular and contract employees, and all acting appointees serve at the pleasure of the Executive Director.

104.7 Independent Contractor Consultant

An “Independent Contractor Consultant” is a person who is employed by a sole proprietorship, employed by a separate public agency, or employed by a private employer, but who performs services for the Commission pursuant to a contract. An Independent Contractor Consultant may serve the Commission in any capacity, including as an Officer, but shall only be entitled to the benefits and privileges expressly specified in the respective contract.

105 Administrative Authority

The Executive Director is authorized to make any personnel appointment and take any action necessary to manage the Commission consistent with budgetary authorization and approved policies.

106 Equal Employment

The Commission is committed to equal employment opportunity without regard to race, national origin, color, ancestry, religion, sex, *gender identity*, marital status, political affiliation, disability, age, or sexual orientation.

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107 Political Activity

No Officer or employee shall engage in political activities during work hours nor represent his/her position as an Officer or employee while engaging in partisan political activities during non-work hours.

108 Conflict of Interest

A "conflict of interest" is when an employee is involved in activity, which, for any reason is in conflict with the Commission's best interests.

~~It is the policy of the Commission that all Officers and employees of the Commission~~ shall maintain the highest standards of conduct and integrity and shall have no outside interests, which may be incompatible or involve a conflict of interest with their duties, functions, and responsibilities as Commission Officers or employees.

Officers and employees shall not accept, directly or indirectly, payments, loans, commissions, services, promises of future benefits, gifts, gratuities, merchandise or other items of value, from any organization or individual doing business with the Commission, except for meals and social invitations of nominal value, which are in keeping with good business ethics and do not obligate the recipient. All Officers and employees should not become involved in a conflict of interest situation which is real or apparent which may involve favoritism, collusion or other fraudulent practice.

No Officer or employee at any level of the Commission may serve as a director, officer, partner, employee, consultant, agent or representative, or have a financial interest in any organization which does business with or is affiliated with the Commission, unless on the basis of full disclosure and such association has the specific written approval of the Executive Director. In addition, Officers and employees are required to abide by applicable federal, state and local statutes, regulations, and ordinances concerning conflicts of interests.

Employees must be free of any investment in (other than ownership of less than 3% of the shares in any publicly traded company, less than 3% of the shares in any publicly traded real estate investment trusts, and/or less than 3% of the interest in any publicly traded limited partnerships, and/or investments in mutual funds), or association with vendors, contractors, or suppliers which might interfere or appear to interfere with the independent exercise of

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judgment by employees in the best interests of the Commission. A ~~“conflict of interest” is when an employee is involved in activity, which, for any reason is in conflict with the Commission’s best interests.~~

While employed by the Commission, employees may not solicit, contract with or perform services for any vendors, contractors, or suppliers of the Commission. This includes “freelance” activities, which are the same or substantially similar to the services provided by the employee to the Commission. Employees of the Commission may not solicit or accept any gift or gratuity in excess of nominal value for performing their services from the Commission, including but not limited to as expressly prohibited by Penal Code section 70.

Employees also may not be involved in activities constituting a conflict of interest on the Commission’s time, and also during off-duty time. Employees may not use the Commission’s equipment, materials, resources, or “confidential” information, including but not limited to as defined in Government Code Section 1098, except to further the best interests of the Commission. Conflicts of interest include but are not limited to activities prohibited in Government Code sections 1090, 1098, and 1126.

Violation of this ~~Agreement~~ *conflict of interest policy* is a basis for discipline, up to and including termination. Furthermore, violation of this ~~agreement~~ *conflict of interest policy* may be a basis for a civil suit, which may include the Commission seeking injunctions to prevent irreparable harm to its interests as a result of the disclosure or use of confidential information or trade secrets.

108.1 Duty to Report Violations to the Commission

Employees are also required to *immediately* report to Human Resources ~~immediately~~ any violation of this Conflict of Interest Policy by any other employee of the Commission. Employees are also required to *immediately* report to Human Resources ~~immediately~~ any attempted bribe, bribe, attempted kickback and/or kickback, discussed or made by any vendors, suppliers, and/or employees of the Commission.

Failure to *immediately* report known violations of the Conflict of Interest Policy by others, including but not limited to the Commission’s vendors, suppliers, and/or employees, will result in disciplinary action, up to and including termination.

109 Outside Employment

Executive Director approval in writing is required for all outside employment.

In general, the Commission has no objections to non-exempt employees only obtaining an additional job. However, if a non-exempt employee obtains additional employment with a business enterprise or public agency with which the Commission competes, or with which the Commission presently has or subsequently has a business relationship, or if there is a potential conflict of interest, the Commission may, as a condition of continued employment, require the non-exempt employee to refuse or resign from the additional job. Furthermore, the Commission will hold all non-exempt employees to the same standards or performance and work schedules, and cannot make exceptions for non-exempt employees holding additional jobs.

All Officers and employees of the Commission must obtain the written approval of the Executive Director before accepting any outside employment or engaging in any business as an independent contractor, partner, or a sole proprietor. Accepting or continuing outside employment in violation of this policy may result in immediate termination.

No Officer or employee at any level of the Commission may serve as a director, officer, partner, employee, consultant, agent, or representative, or have a financial interest in any organization unless on the basis of full disclosure and such association has the specific written approval of the Executive Director. In addition, Officers and employees are required to abide by applicable federal, state and local statutes, regulations, and ordinances concerning outside employment.

Pursuant to Government Code 1126 an employee's outside employment, activity or enterprise for compensation may be prohibited if it: (1) involves the use for private gain or advantage of his/her Commission time, facilities, equipment and supplies, badge, uniform, prestige, or influence of his/her Commission office or employment; (2) involves receipt or acceptance by the Officer or employee of any money or other consideration from anyone other than the Commission for the performance of an act which the Officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her Commission employment or as a part of his/her duties as a Commission Officer or employee; (3) involves the performance of an act in other than his/her capacity as a Commission Officer or

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employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other Officer or employee of the Commission, or (4) involves the time demands as would render performance of his/her duties as a Commission Officer or employee less efficient.

110 Employment of Relatives

No person shall be employed or be contracted with for services who is related within the first degree of consanguinity—father, mother, sister, brother, spouse, or child—to an Officer or employee or a member of the Board, unless approved in advance by the Executive Director.

110.1 Employment of Spouse

An employment decision shall not be based on whether an individual has a spouse presently employed by the Commission except in accordance with the following criteria:

- 1) For business reasons of supervision, safety, security or morale the Commission may refuse to place one spouse under the direct supervision of the other spouse.
- 2) For business reasons of supervision, security or morale, the Commission may refuse to place both spouses in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons.

110.2 Accommodation for Co-Employees Who Marry

If co-employees marry, the Commission shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale.

111 Employment of Persons Who Live in the Same Residence

No person shall be employed or be contracted with for services who lives in the same residence as an Officer or employee or a member of the Board, without the advance written approval of the Executive Director. Employment decisions regarding persons who live in the same residence shall be made in accordance with the following criteria:

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- 1) For business reasons of supervision, safety, security or morale, the Commission may refuse to place an employee who lives in the same residence with another employee under the direct supervision of the employee with whom he/she lives.
- 2) For business reasons of supervision, security or morale, the Commission may refuse to place an employee who lives in the same residence with another employee in the same department, division, or facility, if the work involves potential conflicts of interest or other hazards greater for these employees than for other employees.
- 3) Employees who plan to live in the same residence shall provide advance notice of such to their division(s) management to enable management to assign job duties so as to minimize problems of supervision, safety, security or morale.

112 Working Hours

The standard workday is eight hours.

With approval from the Executive Director, Officers and employees may work an alternative 9/80 schedule. The 9/80 schedule involves working 80 hours over a 9 day period. On this alternative work schedule, Officers and employees may work nine hours in a workday.

113 Workweek

The standard workweek begins at 12:01 p.m. on Friday and ends at 12 noon the following Friday.

114 Work Schedule

The Executive Director shall assign work schedules as necessary to accomplish Commission business. Unless assigned to an alternate schedule, employees shall work from 8 a.m. to 5 p.m., with a one hour unpaid lunch break.

115 Overtime Standard

Overtime means time spent in excess of a standard workweek. Employees may be required to work hours in excess of the standard workweek at the discretion of the Executive Director. Overtime for non-exempt employees will be compensated with compensatory time off on a time and one-half basis for all hours

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worked over forty in a workweek or, with Executive Director approval, pay at time and one-half of the employee's regular rate of pay.

Exempt employees are Officers and other professional employees of the Commission that comply with the Federal Fair Labor Standards Act regulations for exemptions. Exempt employees are paid on a salary basis, which amount is not subject to reduction because of the quality or quantity of the work performed. Exempt employees will not have deductions made from their pay for absences of less than one day. The Executive Director may approve up to five days of paid Administrative Leave per year for Officers in lieu of compensatory time.

115.1 Emergency/Holiday Overtime Pay

When a Commission employee is required to return to work on an observed holiday or weekend immediately following or preceding the holiday due to an emergency situation, the employee shall be compensated at two times the regular rate of pay for time worked in excess of ~~2~~ *two* hours. An emergency situation is one in which the employee has to ~~respond immediately, upon~~ *immediately respond to* the request of the Director or designee, and does not have the option to choose which day he/she can complete the work.

116 Employment Layoff

An Officer or employee may be laid off at the discretion of the Executive Director for any of the following reasons: (1) loss of funding; (2) lack of work; or (3) other budgetary considerations. In the event of a layoff, the Officer or employee will be given either two weeks notice or immediate separation with two weeks severance pay.

An employee who is laid off will have recall rights for three (3) months. Thereafter, he/she will lose all employee status with the Commission.

117 Medical Examination

Once an offer of employment with the Commission is made, a candidate for an Officer, regular, contract or some specified temporary positions is required to submit to a medical examination performed by an industrial medical facility specified by the Commission to determine his/her ability to perform the essential

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functions of the job offered. An Officer or employee may be required to submit to a medical examination after appointment. The examination ~~will be~~ *is* for the purpose of determining the Officer's or employee's physical and/or mental capabilities to perform *the* job duties of the position applied for in accordance with federal and state laws regarding persons with disabilities.

118 Background Investigation

An Officer or employee may be required to submit to a background investigation prior to or after appointment to determine his/her suitability to perform assigned duties. Fingerprinting may be required for the background investigation.

119 Maintenance Standby and ~~Callback Policy~~ "On Call" Status

To ensure that housing developments will receive emergency repairs during ~~the weekend~~ hours not covered by the normal work schedule, it is the policy of the Commission that employees in the Maintenance Worker I, II, *and* III, *and* IV (~~provided that a Maintenance Worker IV is working in a lead capacity and not a skilled trade or supervisory capacity~~) classifications ~~may~~ *shall* be assigned to standby "on call" status at the discretion of the Executive Director.

It is the practice of the Commission that those Maintenance Workers I, II, *and* III, *and* IV listed above, who are required ~~assigned~~ to be available on a standby basis to respond to emergency calls from 6:00 p.m. Friday through 5:30 a.m. Monday, ~~the end of the work day Friday to the subsequent Friday~~, shall receive standby compensation ~~for that period equivalent to~~ *of* eight hours pay at the minimum wage rate, to be authorized by the Executive Director. Recognized holidays falling on days consecutive with the weekend ~~will be~~ *are* considered as part of the normal standby compensation.

~~A maintenance employee may be called during weeknights to respond to an emergency. All Maintenance Workers may be called to respond to an emergency during hours not covered by their normal work schedule. However, he or she is~~ Maintenance Workers are not required to remain on the employer's premises, but ~~is required to~~ *must* notify Commission officials *of* where ~~he or she~~ *they* may be reached. ~~and is therefore, not working while on call. Therefore, they are not working while on call.~~

Maintenance Workers, including skilled trades, ~~who are not in supervisory positions and~~ who are required to return to work to respond to an emergency call after the termination of his/her normal

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work shift and departure from the work location, but not less than 2 hours before the starting time of the next regular shift, shall be compensated for ~~4 hours of work or~~ the actual time required to respond to the emergency call(s), ~~whichever is greater,~~ calculated at 1 ¹/₂ times their regular rate of pay. ~~in accordance with the overtime provision established in Section 115.~~ *Employees shall receive overtime compensation for emergency after-hours maintenance service after the completion of forty regular hours during the workweek in accordance with the overtime provisions established in Section 115.*

When a *Maintenance Worker* ~~maintenance employee~~ is required to return to work on an observed holiday or weekend immediately following or preceding the holiday, the *Maintenance Worker* ~~maintenance employee~~ shall be compensated at two times *his/her* ~~the~~ regular rate of pay for time worked in excess of 2 hours.

120 Performance Evaluation System

The Executive Director shall establish and maintain a performance evaluation system that objectively assesses employee job performance in relation to assigned responsibilities. Written performance evaluations will be made at least annually. To be eligible for a salary increase, the employee must have satisfactorily performed the job requirements for his/her position during the period preceding the evaluation. An employee evaluated as not having satisfactorily performed job requirements will be placed on a Needs Improvement Plan and/or subject to disciplinary action up to and including termination.

121 Personnel Classification

The Executive Director shall administer and maintain a personnel classification system.

122 Salary Placement

The Executive Director is authorized to make job appointments at a rate of pay within the approved job classification salary range for the purpose of attracting and retaining experienced and qualified personnel.

123 Advanced Level Placement

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In order to be equitable and competitive, the Executive Director may make employee placement above the beginning of the classification salary range when justified by the candidate's experience and background.

124 Salary Movement

Based on job performance, Officer or employee compensation may be adjusted within the approved classification salary range. Salary adjustments are effective the day the adjustment is authorized by the Executive Director. Salary adjustments authorized in connection with an employee's annual performance evaluation are effective on an employee's anniversary date for the position they are currently holding. The compensation rate of the Executive Director will be adjusted in accordance with Board directives and approval.

125 Advanced Salary Movement

The Executive Director will report quarterly to the Board any Officer or employee salary increase exceeding 10% of previous salary.

126 Incentive System

To encourage outstanding performance in the achievement of Commission goals, the Executive Director shall be responsible for administering the Employee Incentive Program to reward valuable contributions or suggestions made by employees. Officers and employees shall be eligible to participate in the Incentive Program.

127 Bilingual Compensation

Employees may receive a monthly ~~stipend~~ *compensation* upon successful completion of a bilingual proficiency exam with written *Division* Director authorization, when the position assignment requires fluency in English and another language. *Employees are not eligible for bilingual compensation during any unpaid leave of absence.*

128 Holidays

On the observance days shown below, Officers and regular employees shall be entitled to the following paid holidays as long as they have been compensated for the day before and the day after the holiday is observed:

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<u>Holidays</u>	<u>Observations</u>
New Year's Day.....	January 1
Martin Luther King Jr.'s Birthday.....	Third Monday in January
Presidents' Day.	Third Monday in February
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	First Monday in September
Columbus Day.....	Second Monday in October
Veterans' Day.....	November 11
Thanksgiving Day.....	Fourth Thursday in November
Day after Thanksgiving.....	Friday after Thanksgiving
Christmas Day.....	December 25

When a holiday occurs on a Saturday, the preceding Friday will be observed. When a holiday occurs on a Sunday, the following Monday will be observed. Regular employees scheduled to work on holidays will be credited with compensatory time for hours worked on that day.

Employees on leave without pay are not entitled to holiday pay.

128.1 Floating Holiday

In addition to the above holidays, one floating holiday per calendar year may be taken when approved in advance. Any floating holiday not used at the time of separation or at the end of the calendar year will be forfeited.

129 Mileage, Travel Expense and Automobile Allowance

129.1 Mileage and Travel Expenses

The Executive Director shall from time to time determine and submit for Board approval a reasonable reimbursement formula(s) and maximum reimbursement limit(s) to compensate Officers and employees for mileage and travel related expenses incurred on Commission business. All mileage, travel, and related expenses must be approved in advance by the Executive Director or his/her designee.

129.2 Auto Allowance

Subject to the authorization of the Executive Director, Officers are eligible for a fixed monthly automobile

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allowance. Officers receiving such allowance are not eligible to receive mileage reimbursement. This allowance is separate from reimbursement for car rental expenses incurred in connection with authorized business travel.

130 Use of Personal Vehicles

The Executive Director may require any Officer or employee to provide his / or her own transportation to conduct Commission business. Staff using personal vehicles must maintain State of California minimum insurance coverage. Operating a Commission vehicle with an expired or suspended driver's license will result in ~~discipline~~ *disciplinary action* up to and including termination. *If an employee is involved in a vehicle accident using their personal vehicle, their insurance is primary. The Commission's insurance is excess over and above all other existing insurance policies.*

The Commission maintains driving records for ~~appropriate~~ *all* employees who are required to drive on Commission business. Excessive accidents and/or violations or uninsurability, except at premiums higher than the majority of other Commission drivers, may result in disciplinary action ~~leading~~ up to and including termination. Furthermore, employees who drive without ~~being properly a valid drivers licensed, for example, a suspended and/or expired~~ license in the course and scope of their employment with the Commission, are subject to disciplinary action up to and including unpaid suspension and/or termination.

~~Finally,~~ Commission employees who drive in the course and scope of their employment ~~with for the Commission,~~ must immediately ~~advise~~ *notify Risk Management if Human Resources* when their drivers' licenses have expired, without ~~possible~~ *possible* renewal, ~~and/or and or~~ have been ~~suspended.~~ *suspended, and shall not be permitted to drive on Commission business either in a Commission or their personal vehicle.* Failure to do so may result in termination.

131 Professional Memberships/Dues

Subject to available funding, the Executive Director shall provide for necessary professional memberships, dues and publications.

132 Removal of Personnel

132.1 Officers and Regular Employees

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All Officers and regular employees serve at the pleasure of the Executive Director and therefore may be removed at any time without stated cause. Officers and regular employees charged with misconduct shall be provided, in writing, pre-removal notification of the charge, the reasons therefore and the opportunity to respond. The pre-removal notification procedure shall be for the purpose of protecting the “liberty interests” of Officers and employees and does not in any way modify the right of the Commission to terminate Officers and employees at the pleasure of the Executive Director.

132.2 Temporary Employees

Temporary employees may be removed at the pleasure of the Executive Director without stated cause.

132.3 Contract Employees

Contract employees may be removed at the pleasure of the Executive Director without stated cause.

132.4 Acting Appointees

Acting appointees may be removed from such acting positions at the pleasure of the Executive Director.

133 Grievance Procedure

The Executive Director shall administer a grievance procedure for regular employees *only*, except that such procedure shall be exclusive of disciplinary matters. “Disciplinary matters” include, but are not limited to, demotion, suspension or removal.

134 Separation Pay

Upon separation, an Officer or employee will be compensated at his/her regular rate of pay for accrued annual leave or vacation pay. An employee will be compensated for his/her accrued overtime hours. An Officer or employee who purchases Elective Annual Leave will be compensated for leave purchased but not taken. An employee whose Elective Annual Leave for the calendar year has been exhausted and still shows a balance owing on purchased days will have the balance deducted from the employee’s final pay check.

135 Additional Provisions

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The Executive Director is authorized to establish additional procedures, not specified herein, to implement Commission policies.

136 Previous Service Credit

Effective August 1, 1984, the Executive Director is authorized to allow the following special provisions for Officers and regular employees hired into the Commission, who, prior to Commission employment were continuous employees of the Housing Authority of the County Los Angeles, subject to the limitations indicated:

- All Officers and regular employees may carry-over up to a maximum of 100 hours of accrued sick leave.
- All Officers and regular employees will be credited for continuous service time earned in their prior organization for purposes of accruing annual leave.
- All Officers and regular employees are eligible for noncompetitive appointment.

137 Unauthorized Use of Commission Property and Responsibility for Items Furnished to Employee

The unauthorized use of the Commission property *and equipment* including, *but not limited to, Commission identification badges*, supplies, telephones, *voicemail, computers, laptops, software, E-mail, Internet, facsimile machines, photo copiers, office space*, vehicles, and other Commission-funded assets is prohibited.

In the course of employment, certain employees of the Commission may be furnished work-related items such as uniforms, *Commission identification badges*, office keys, master keys, entry authorization cards, pagers, cellular phones, laptop computers, tools and office equipment. Any employee receiving such items shall return each and all of the same to the Commission in good condition, except reasonable wear and tear, at the termination of his/her employment for any reason. If any such items ~~is~~ are not returned by the last day worked, the reasonable value of such item(s) may be claimed against ~~such~~ *the* employee and the employee agrees that such reasonable value may be deducted from such employee's pay.

Upon hire, all employees must read and sign an Authorization of Deduction form, which authorizes the Commission to recover the costs related to any items not returned at the termination of employment, including but not limited to the cost of personal

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telephone calls. No office equipment may be removed from the office without written permission of *from* the supervisor.

138 Substance Abuse

138.1 Purpose

It is the policy of the Commission to maintain a safe, healthy and productive work environment for all employees. To that end, management will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which ~~would~~ *could* impair the employee's ability to safely and effectively perform the functions of the particular job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the agency's reputation, *and places the safety of others at risk.*

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on ~~the~~ Commission's property. Violations of the policy may result in discipline, up to and including termination.

138.2 Policy

1. It shall be grounds for termination to sell or trade any drugs or alcohol, while on duty or on Commission property.
2. It may be grounds for disciplinary action, up to and including termination, if any employee reports to work intoxicated, under the influence of, or has traces in his/her urine of alcohol, controlled substances, narcotics, amphetamines, barbiturates, prescribed or over-the-counter medications in excess of prescribed dosages, or other non-prescribed hallucinogenic substances, or becomes intoxicated or comes under the influence while on duty.
3. When a supervisor has reasonable cause to believe that an employee is under the influence of intoxicating liquor, controlled substances, narcotics, amphetamines, barbiturates, prescribed or over-the-counter medications in excess of prescribed dosages, or other non-prescribed hallucinogenic substances,

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the supervisor shall have the authority to order that employee, accompanied by a supervisor, to report immediately to a medical facility and to be examined by a physician and to take an appropriate test for drug or alcohol use. The examination shall be conducted while the employee is "on the clock". The Commission shall bear the expense of the examination, and shall provide transportation to and from the medical facility and the employee's work station *or residence, if necessary*.

4. Should the examination show that the employee is intoxicated or under the influence of alcohol, controlled substances, narcotics, amphetamines, barbiturates, medications in excess of prescribed dosages, or other non-prescribed hallucinogenic substances, and has therefore, violated the above rules, the employee may be subject to disciplinary action, up to and including termination. Within 90 days of the examination and if requested by the employee, management shall have the examination sample retested by a state licensed independent laboratory/testing facility. The employee shall bear the expense of any independent examination requested.
5. An employee's failure to submit to an examination and test in accordance with this policy, when so ordered by management, will be considered insubordination, and grounds for immediate termination.

138.3 Confidentiality

All test results shall be kept confidential and will only be revealed to the employee tested and to Officers and employees of the Commission who need to utilize the information in order to carry out their job responsibilities.

138.4 Rehabilitation

Employees who have substance abuse problems will be encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP), *or another appropriate program*. The EAP will not be used in lieu of discipline against an employee

found to be in violation of this policy, but may be taken into consideration by management in determining the appropriateness of the disciplinary action to be taken. *Any expenses incurred will be the responsibility of the employee.*

139 Harassment

All employees are to be treated with respect, and dignity, *and work in an environment free from harassment.* Sexual harassment or harassment *by another employee or supervisor* for any reason, such as that based upon race, color, religion, national origin, age, marital status, sex, *gender identity*, ancestry, political affiliation, disability, or sexual orientation by another employee or supervisor will not be tolerated under any circumstances, and can lead to disciplinary action, up to and including termination.

Sexual harassment includes soliciting sexual favors from an unwilling subordinate or co-worker in return for promotions, increased wages, continuance of the job, as well as other unwelcome verbal, ~~or~~ physical, *or visual* conduct of a sexual nature such as uninvited touching, ~~or sexually related comments, or displaying objects or pictures that depict men or women in a sexually suggestive or derogatory manner.~~

Hostile Environment Sexual Harassment occurs when the reported conduct unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. The alleged conduct must be sufficiently pervasive to alter the conditions of the victim's employment and create an abusive working environment.

Employees are to report incidents of harassment immediately to their supervisors or Human Resources in accordance with the Commission's procedures covering sexual harassment.

It is illegal to retaliate against an employee or participant of a Commission program who complains in good faith of a violation of any harassment policy of the Community Development Commission.

140 Prohibition of Smoking in the Workplace

~~In accordance with the Commission's responsibility to establish, maintain, and promote a safe working environment and to reduce health and safety risks to its employees and the public at large,~~ *state law, smoking is prohibited inside all CDC workplaces, and*

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within 20 feet of any entrance to a CDC facility. All interior working and public areas of the Commission are designated as non-smoking areas in which tobacco products may neither be used nor sold. Smoking is prohibited in all Commission-owned vehicles. Work and common-use areas of all Commission-owned and/or leased buildings shall be appropriately signed as non-smoking areas.

Smoking shall be permitted ~~in all areas open to the sky or otherwise located outside building facilities.~~ at least 20 feet away from any entrance to a CDC facility unless this would violate a safety rule.

141 Working Environment

The Commission's Injury and Illness Prevention Plan (IIPP) establishes the responsibility of each Officer and employee to maintain a safe and healthy work environment. The Plan promotes teamwork and cooperation among employees, encourages conscientious customer service to the public, and assures a hazard-free work environment.

In addition, the Commission may establish policies, which encourage Officers and employees to maintain the highest degree of integrity, *and* which will not compromise the Commission's standards or programs. Any willful violations of the safety procedures or conduct standards may result in disciplinary action, up to and including termination.

200 EMPLOYEE BENEFITS

The Commission reserves the absolute right, in its discretion, at any time and from time to time, to discontinue coverage under any particular health and hospitalization plan, dental plan, life insurance plan, and/or disability insurance plan in which it or its employees have previously been enrolled and to substitute for such prior coverage alternate coverage which may be different in character and amount, and either more or less comprehensive. Officers and employees of the Commission shall not have or gain, by reason of their employment by the Commission, any vested rights in or to any particular health and hospitalization plan, dental plan, life insurance plan, and/or disability insurance plan coverage whatsoever.

Officers and employees may be required to make contributions for employee and dependent coverage.

201 Continuous Service

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An Officer or regular employee must be compensated for the equivalent of $\frac{3}{4}$ of his/her standard hours per pay-period to accrue annual leave and sick leave; to receive flex dollar credit; and to participate in insurance benefits. If an Officer or employee fails to be compensated for $\frac{3}{4}$ of his/her standard hours per pay-period, but wishes to continue insurance coverage, he/she may notify Human Resources of his/her decision in which case he/she will be required to pay *premiums to continue* insurance coverage. ~~in accordance.~~

202 Benefit Plans

202.1 Optional Benefits Plan

Effective ~~July 1, 2000,~~ *January 1, 2003*, for Officers and regular employees hired before October 1, 1997, the Commission will contribute a maximum of ~~\$489~~ *\$520* per month for employee and dependent for group health, dental and vision insurance coverage. Any unused contribution ~~may be~~ *is* used for the employee's deferred compensation plan or paid as taxable income.

202.2 Flexible Benefits Plan

Effective January 1, 1998, an Officer or regular employee hired before October 1, 1997, may elect to enroll in the Flexible Benefits Plan in lieu of the Optional Benefit Plan. All employees hired as of January 1, 1998 participate in the Flexible Benefits Plan.

Effective January 1, 1998, the Commission offers a Flexible Benefits Plan to include the following benefits:

- Medical (including eligible domestic partners)
- Dental (including eligible domestic partners)
- Vision (including eligible domestic partners)
- Term Life
- Accidental Death and Dismemberment
- Elective Annual Leave
- Short-Term and Long-Term Disability
- Health Care Spending Account
- Dependent Care Spending Account
- State Disability

Please note that employees who contribute to California State Disability are eligible to take Paid

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Family Leave beginning on or after July 1, 2004. The standards for eligibility are established by the California Employment Development Department.

The Commission's monthly contribution for the Flexible Benefits Plan effective ~~July 1, 2000,~~ *January 1, 2003*, will be the greater of ~~\$735~~ \$770 or the following percentage of an employee's monthly salary based on years of service as of the employee's anniversary date:

- 14.5% - less than five years of service
- 17.0% - 5 to less than 10 years of service
- 17.4% - 10 years of service
- 17.8% - 11 years of service
- 18.2% - 12 years of service
- 18.6% - 13 years of service
- 19.0% - 14 or more years of service

Any unused contribution ~~may be~~ *is* used for the employee's deferred compensation plan or paid as taxable income.

~~Officers and regular employees only are eligible to participate in the following benefit programs:~~

Officers or regular employees must elect health coverage (single coverage) and have the option to waive all other benefits provided that the Officer or employee complies with certifying under penalty of perjury that he/she has covered, any spouse, former spouse, and/or dependent(s). Health coverage may be waived only if the Officer or employee is the primary subscriber, not a dependent, in an employer sponsored group medical plan or retirement medical plan or Medicare and must provide documentation showing coverage as the primary subscriber.

203 Retirement

As a condition of employment, Officers and regular employees shall participate in the California State Public Employees' Retirement System. (CALPERS)

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The Commission will pay the normal employer portion of the (CALPERS) program and a portion of the employee's share of retirement contribution to a maximum four and one-half percent of the employee's monthly salary. The remaining two and one-half percent of the employee's share will be treated as the employee contribution through salary reduction for tax treatment only, pursuant to Section 414(h) (2) of the Internal Revenue Code.

204 Health Insurance Coverage

The Commission will provide group health insurance coverage, pursuant to employees' *benefit plan* elections under Section 202.

205 Continued Health Insurance Under Federal Law-COBRA

Employees and/or their dependents (beneficiaries) are eligible to continue at their own expense their health coverage at a premium of 102% of the applicable group rate if the following conditions apply:

1. Employees, who are terminated (except those terminated for gross misconduct), or who have a reduction of hours (partial or full layoff or an extended leave of absence of more than 30 days), are eligible to continue their health insurance benefits for 18 months, thereafter such employees are entitled to convert at their own expense their group policy to individual policies.
2. ~~Employees or beneficiaries~~, *Qualified beneficiaries*, who are no longer eligible for group health coverage because of (1) death of the employee, (2) divorce or legal separation from the employee, (3) the employee becoming eligible for Medicare, or (4) a dependent child of an employee being no longer qualified as a dependent, are eligible to continue their health insurance coverage for 36 months; thereafter such ~~employees~~ *qualified beneficiaries* are entitled to convert at their own expense their group policy to individual policies.
3. For plan years beginning on or after December 19, 1989, certain disabled qualified beneficiaries of employees, who are terminated, (except those terminated for gross misconduct), or who have a reduction of hours (partial or full layoff or an extended leave of absence for more than 30 days), may be eligible to continue their health insurance benefits for *an additional 11 months of COBRA continuation coverage for a maximum of 29 months.* ~~or even 36 months so long as the disabled qualified beneficiaries were disabled within 60 days of~~

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~~the time employees became eligible for continuation coverage and the qualified beneficiaries provide notice of their disabilities determination before the end of the original 18 month period of continuation coverage.~~ Disabled qualified beneficiaries may be charged 150% of the applicable group rate, after the initial 18-month period of continuation coverage. The qualified beneficiary's disability must be determined under Title II (Old Age, Survivors, and Disability Insurance) and Title XVI (Supplemental Security Income) of the Social Security Act. *It is the qualified beneficiaries responsibility to obtain the disability determination from the Social Security Administration. A copy of the determination must be submitted to the Commission within 60 days of the date of the determination and before the end of the 18-month period for COBRA continuation in order to continue coverage under COBRA.*

4. *New dependent(s) of a qualified beneficiary acquired through marriage during the period of continuation may be added to the coverage according to the rules of the health plan. The new dependent(s) do not gain the status of a qualified beneficiary (except for newborn(s) or adopted children).*

Continuation benefits are no longer available when the earlier of the following occurs:

1. ~~The 18-month, 29-month, or 36-month period expires. The expiration of the 18-month (29-month or 36-month if applicable) continuation period.~~
2. Commission ceases providing any group health plan to employees.
3. The premium is not paid timely by the employee and/or the beneficiary.
4. The qualified employee and/or beneficiary becomes covered by any other group plan or Medicare.
5. A beneficiary remarries and becomes covered by another health plan.
6. *A qualified beneficiary provides notification to the Commission to cancel continuation coverage.*

206 Continued Health Insurance Under California Law (Extended COBRA)

Employee's in the state of California who have fully completed the continuation coverage as provided under the federal law – COBRA are eligible at their own expense for an additional 18 months of coverage under California law for a maximum of 36 months from the date the employee's continuation coverage began under COBRA. The premiums for this extended 18 months of coverage may be raised to 110% of the applicable rates charged to the employer for active employees.

Employee's who have worked at least five years and are at least 60 years of age or older on the date their employment terminates, as well as their spouse, are eligible to continue their coverage at their own expense, under the same terms and conditions as were provided under federal COBRA, subject to payment of premium not to exceed 213% of the applicable group rate.

Extended continuation benefits are no longer available when the earlier of the following occurs:

1. The date any required premium is not paid after any grace period;
2. The date the group plan terminates and is not replaced;
3. The date the individual becomes insured under another group health plan;
4. The date the individual attains 65 years of age;
5. For a spouse, five years from the date the employee's employment ended.
6. *A qualified beneficiary provides notification to the Commission to cancel continuation coverage.*

The employer shall notify the former employee of the availability of continuation benefits under this section at least 90 calendar days prior to the date continuation coverage under federal COBRA is scheduled to end. To continue health care coverage pursuant to this section, the individual shall elect to do so by notifying the *health care service plan or the health insurer (insurance carrier) employer* in

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writing within 30 calendar days prior to the date continuation coverage under federal COBRA is scheduled to end.

Premiums for state continuation coverage shall be billed by, and remitted to the health insurer (insurance carrier) or the health care service plan. Health insurance premiums will be due on the first of each month and are subject to a maximum grace period of thirty (30) days. Failure to pay the requisite premiums will result in termination of the continuation coverage in accordance with the applicable provisions in the plan's group subscriber agreement with the former employee.

207 Dental Insurance Coverage

The Commission will provide optional dental insurance coverage, pursuant to employees' *benefit plan* elections under Section 202.

208 Vision Insurance Coverage

The Commission will provide optional vision insurance coverage, pursuant to employees' *benefit plan* elections under Section 202.

209 Life Insurance

The Commission provides *the* \$5,000 basic term life insurance for each Officer and regular employee. Basic term life insurance is provided to Officers and regular employees, as of the date of employment, pursuant to employees' *benefit plan* elections under Section 202.

Employees who terminate from the Commission for any reason or who are no longer eligible for Commission paid coverage may be entitled to convert ~~the this coverage~~ *\$5,000 basic term life insurance coverage* into an individual policy. Applications for conversion must be filed with the appropriate insurance company within thirty-one (31) days after termination of employment or eligibility ceases, pursuant to employees' *benefit plan* elections under Section 202.

The Commission reserves the absolute right, in its discretion, at any time and from time to time, to discontinue coverage under any life insurance plan in which it or its employees have previously been enrolled and to substitute for such prior coverage alternate coverage which may be different in character and amount, and either more or less comprehensive. Employees of the Commission shall not have or gain, by reason of their employment with the Commission, any vested rights in or to any particular life coverage

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whatsoever, pursuant to employees' *benefit plan* elections under Section 202.

210 Accidental Death and Dismemberment Insurance

The Commission provides \$5,000 accidental death and dismemberment insurance for each Officer and regular employee. Group Accidental Death and Dismemberment insurance is provided as of the date of employment, pursuant to employees' *benefit plan* elections under Section 202.

211 Unemployment Insurance

The Commission will provide Unemployment Insurance as required by the State of California, pursuant to employees' *benefit plan* elections under Section 202.

212 Workers' Compensation

The Commission will provide Workers' Compensation *benefits to all employees*, as required by the State of California.

213 Disability Insurance

~~The Commission will provide a disability insurance plan, pursuant to employees' elections under Section 202.~~

The Commission will provide an Officer or a regular employee a disability insurance plan, pursuant to employees' benefit plan elections under Section 202.

Officers and regular employees may elect to participate in the California State Disability Insurance Program administered by the State of California Employment Development Department.

Officers and employees who contribute to the California State Disability Insurance Program are eligible for Family Temporary Disability Insurance or Paid Family Leave beginning on or after July 1, 2004. The standards for eligibility are established by the California Employment Development Department.

214 Social Security Medicare

All employees appointed on or after April 1, 1986, will participate in the Social Security Medicare program.

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215 Officer Automobile Allowance

The Commission may provide a maximum fixed monthly automobile allowance at the rate of \$300 for Directors and \$200 for Managers.

216 Retiree Medical

Effective July 1, 1992, the Commission will provide retiree medical benefits for only eligible Officers and regular employees. In order to be eligible an *Officer or regular* employee must have at least 10 years of continuous service with the Commission, or continuous previous service credit with the Housing Authority of the County of Los Angeles; and must be at least 50 years of age at retirement. The Commission will contribute towards the payment of medical insurance for the *Officer or regular* employee only per the following schedule:

10 - 14 years of service.....	75%
15 - 19 years of service	75% + 5% for every year of service over 15 years
20 + years of service	100%

Effective January 1, 2005, the Commission will not contribute more than the highest amount contributed for a current regular employee of the Commission for employee only medical insurance. Further, the Commission reserves the right in its absolute discretion to pay no more than the amount paid on behalf of current regular employees for the most inexpensive employee only medical insurance.

Should a retiree decide to move outside of the service area of the current Commission health plans, the retiree is responsible for obtaining his/her own health insurance. Upon the retiree providing proof of insurance and cost of insurance coverage, the Commission will directly reimburse the retiree. The percentage of reimbursement will be based upon the above years of service schedule and no more than the highest amount contributed for a current regular employee of the Commission for employee only medical insurance. In no case will the Commission reimburse the retiree an amount exceeding the actual cost of medical insurance coverage. The Commission also reserves the right to pay no more than the amount paid on behalf of current regular employees for the most inexpensive employee only medical insurance.

In addition, all retirees are required to enroll in Medicare Parts A & B upon reaching eligibility age. If the retiree fails to enroll in a timely manner, the Commission reserves the right in its absolute discretion to take a credit against the cost of medical insurance. If the retiree fails to ultimately enroll in Medicare Parts A & B, the Commission in its absolute discretion may cease to contribute towards the payment of medical insurance as provided in the above years of service schedule.

217 Additional Benefits

The Commission is authorized to provide the following additional benefits:

- A Credit Union *Membership*
- ~~A Deferred Compensation Plan~~
- An Employee Assistance Program
- ~~A Savings Bond Program~~

The Commission is currently authorized to provide the following additional benefits through a payroll deduction program on a voluntary basis:

- *A Savings Bond Program*
This plan allows employees to purchase U.S. savings bonds.
- *A Deferred Compensation Plan*
This plan allows employees to make contributions through salary reduction (pre-tax basis) up to a maximum per calendar year, (adjusted for inflation), pursuant to Section 457 of the Internal Revenue Code. If any, the employer's matching contribution to employees participating in this plan is determined annually in the absolute discretion of the Commission.

Temporary employees are eligible for only those benefits required by law.

300 **LEAVES WITH PAY**

301 ~~Annual Leave~~ Annual Leave (Non-Elective)

301.1 Flexible Benefits Plan

Effective January 1, 1998 ~~an~~ Officers or regular employees enrolled in the Flexible Benefits Plan with at least one full year of service shall receive ~~10 non-elective annual leave days (80 hours)~~ *80 hours of non-elective annual leave* on January 1 of each calendar year. ~~Officers or R~~Regular employees with less than one full year of service will receive a pro-rated number of non-elective annual leave ~~hours days~~ on January 1. A new hire will begin accruing leave on the first pay period after the employee completes one full calendar month of compensated service. ~~Up to 160 hours may be purchased as part of the Flexible Benefits Plan.~~ These non-elective annual leave ~~hours days~~ are subject to the continuous service rule. ~~The non-elective~~ Annual leave may be used for vacation, personal or family illness or injury, or personal leave purposes for employees who are enrolled in the Flexible Benefits Plan.

Up to 160 hours of elective annual leave may be purchased as part of the Flexible Benefits Plan. Before an employee can use any of the purchased elective hours the employee is required to use all non-elective leave hours issued on January 1 of the same Plan Year.

301.2 Optional Benefits Plan

Officers and regular employees hired before October 1, 1997 who are enrolled in the Commission's Optional Benefit Plan shall accrue annual leave used for vacation beginning with their first full calendar month of compensated service.

Annual leave is earned at rates equivalent to the following schedule for compensated service:

1 – 48 months of service..... 10 workdays

49 – 120 months.....15 workdays

121 months or more of service.....15 workdays plus one
workday for each 12
months over 120 months
(not to exceed 20
workdays)

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Employees who convert from contract status to regular status shall receive pro-rated non-elective annual leave days on the following January based on the change of status date and subject to the compensated continuous service rule for the previous 12 months.

~~Employees enrolled in the Commission's Flexible Benefit Plan who opt out of the Optional Benefit Plan during open enrollment shall receive 10 non-elective annual leave days on the following January of the upcoming year. These non-elective annual leave days are subject to the continuous compensated service rule.~~

Employees who separate employment will receive pro-rated non-elective annual leave days based on their months of service in the current calendar year and are subject to the compensated continuous service rule.

Unused annual leave for each employee in excess of 240 hours as of the last paycheck of each year may not be carried to the next calendar year. Any hours in excess of 240 will be paid to the employee at his/her hourly rate as of the last paycheck of the calendar year.

302 Bonus Annual Leave (For Employees under Optional Program)

Effective July 1, 1997, an employee shall receive 8 hours additional annual leave for each increment of 100 hours unused sick leave accrued to a maximum of 32 bonus hours.

Bonus annual leave shall be accrued and posted on a calendar year basis in January of each calendar year. *Bonus annual leave applies only to Officers and regular employees who are enrolled in the Commission's Optional Benefits Plan. Employee shall accrue bonus annual leave each calendar year to be posted by the second pay period in January. Bonus annual leave shall be ~~accrued and posted~~ shall be granted and utilized according to the normal provisions of annual leave.*

303 Sick Leave

The equivalent of eight hours sick leave is accrued for each full month of compensated service for employees hired prior to October 1, 1997 under the Optional Benefit Plan. Sick leave may be used for personal or family illness, injury, pregnancy disability and medical, dental, or optical examination or treatment. Family is defined as spouse, child (biological, adopted, foster child, or step child who is

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under 18 years of age), or parent of the employee *or domestic partner of employee*.

304 Bereavement Leave

Up to three days of paid leave is permitted in the event of death of the following:

Father, mother, sister, brother, spouse, child, stepmother, stepfather, stepchild, mother-in-law, father-in-law, grandmother, grandfather, grandchild, or domestic partner.

305 Military Training or Duty Leave

Up to 30 working days per year is permitted for military training or duty.

306 Jury Duty and Witness Leave

~~Up to 176 hours per year is permitted for jury duty and witness service. Officers and regular employees are permitted up to 176 hours for jury duty and witness service.~~ Employees will not be paid for jury duty performed on a regularly scheduled day off or while on an unpaid leave of absence.

Commission-related *jury duty and* witness service that extends beyond normal work hours will be credited as overtime.

307 Workers' Compensation

The amount of Workers' Compensation benefits is determined by the State Labor Code. The benefit payment is two-thirds of an employee's average weekly earnings up to a maximum set by *the* State Law. Officers and employees receiving Workers' Compensation benefits may elect to supplement Workers' Compensation with accrued ~~holiday, overtime, annual or sick leave benefits.~~ *leave.* ~~However, in no case will the~~ *The total payments of* Workers' Compensation and other ~~benefit~~ *benefits must not* ~~payments~~ exceed 100 percent of *the employee's* gross regular pay. ~~Payments in excess of Workers' Compensation payments will be~~ *Leave accruals used,* are taxable income.

308 Administrative Leave

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When the Executive Director determines that it is in the best interest of the Commission and/or an Officer or employee, Administrative Leave may be authorized.

The Executive Director may approve up to five days of paid Administrative Leave per year for Officers in lieu of compensatory time.

400 LEAVES WITHOUT PAY

The following leave benefits and privileges apply to Officers and regular employees:

401 Personal Leave

Personal leaves of Officers and regular appointment employees shall be considered a privilege rather than a right. Such leave shall be considered for an employee who has worked 1,250 hours with one year or more employment with the Commission, without prejudice to the interests of the employee, and in accordance with the welfare of the Commission and authorized approval of the Executive Director. Personal leaves shall not be granted to supplement any other paid or unpaid leaves of absence or to replace any paid leaves of absence in which an employee is without accruals, unless specifically provided below.

Short Term Personal Leave. Personal leave of five days or less may be authorized by the Division Director. This leave must be compelling and of an emergency nature.

Extended Term Personal Leave. Personal leave of more than five days, but less than 90 days, may be authorized in advance by the Executive Director for reasons of personal and/or family illness, study, or personal emergency.

Long Term Personal Leave. Personal leave of more than 90 days, but less than six months, may be authorized in advance by the Executive Director for reasons deemed in the best interest of the Commission.

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402 Regulatory Leave

When the Executive Director determines that it is in the best interest of the Commission or an Officer or employee, Regulatory Leave may be authorized.

403 Military Service

An Officer or employee who enters active service of the Armed Forces of the United States shall be granted a leave of absence for time in service and 60 calendar days following discharge, or hospitalization continuing after discharge for a period of not more than three calendar months, or as required by law.

404 Parental Leave for School Visits

An employee who is a parent, *guardian*, or *grandparent having custody or guardian* of a child in kindergarten or grades 1 through 12, or attending a licensed child day care facility, may take off forty hours each school year, not exceeding eight hours in any calendar month of the school year, to participate in activities of the school or licensed child day care facility of any child, if the employee prior to taking time off, gives reasonable notice to the Executive Director or his/her designee of the planned absence of the employee. This is unpaid, unless accrued annual leave or accrued compensatory time is utilized. The employee, if requested to do so, shall provide documentation from the school or licensed child day care facility as proof that he or she has visited the school on a specific day and at a particular time.

405 Family Care and Medical Leave

In accordance with federal and state law, employees who have worked continuously for at least one year and have completed 1,250 hours over the previous twelve months may take an unpaid leave of absence for up to twelve weeks in any twelve month period to care for a newborn child, to care for a child joining the household through adoption or foster care, to care for the employee's seriously ill spouse, child, or parent, or for the employee's own serious health condition that prevents the employee from performing his/her job.

The twelve-week federal family care (Family and Medical Leave Act/FMLA) runs concurrently with the ~~twelve~~-six-week California *Paid Family Leave (Family Temporary Disability Insurance Program/FTDI)* and the twelve-week California family care leave (*California Family*

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Rights Act/CFRA), except in the case of a leave taken due to pregnancy disability.

A physician's certificate is required to verify the extent and duration of the employee's own illness, or the serious health condition necessitating the leave to care for an ill spouse, child, or parent. An employee who plans to take a family care leave must give a thirty-day notice when the leave is foreseeable.

~~The employee may choose to use accrued leaves with pay in accordance with Section 300.~~

Employees may choose to use accrued leaves with pay in accordance with Section 300. Employees may be required to use leave banks to meet the business needs of the Commission in the absolute discretion of the Commission and/or to prevent improper leave accruals.

406 Pregnancy Disability Leave

A pregnant employee is entitled to a reasonable leave of absence without pay for any temporary disability resulting from pregnancy, miscarriage, childbirth or recovery therefrom. Such reasonable leave of absence shall not exceed six months.

~~An employee shall take an unpaid leave of absence during such leave of absence, except that accrued annual leave and sick leave may be taken at the option of the employee.~~

Employees may choose to use accrued leaves with pay in accordance with Section 300. Employees may be required to use leave banks to meet the business needs of the Commission in the absolute discretion of the Commission and/or to prevent improper leave accruals.

As with all other temporary disabilities, a physician's certificate is required to verify the extent and duration of the temporary disability.

An employee who plans to take a pregnancy leave must give reasonable notice at least 30 days before the date she will take the leave. The notice must include the estimated duration of the leave.

Medical, dental and life insurance coverage will be continued through the end of the last calendar month subject to the continuous service rule unless the employee is eligible under the

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federal Family and Medical Leave Act (*FMLA*). Thereafter, an employee may make arrangements to pay insurance premiums.

An employee's Pregnancy Disability Leave will apply to the federal Family and Medical Leave Act (*FMLA*). For the first twelve weeks of the leave an eligible employee's group health benefits will be maintained at the same level it was prior to the leave, provided the employee maintains the same contribution amount as required prior to the leave of absence.

407 Medical Leave

An employee is entitled to a reasonable leave of absence without pay for any temporary disability resulting from illness, injury or recovery therefrom. Such reasonable leave of absence shall not exceed six months. If the employee has returned to work and has not completed six months of continuous employment, any period of leave for the same cause or causes longer than 12 weeks will be treated as one continuous period of leave. Such period of continuous leave shall not exceed six months.

~~Employees shall take an unpaid leave of absence during medical leave of absence except that accrued vacation pay and sick leave may be taken at the option of the employee.~~

Employees may choose to use accrued leaves with pay in accordance with Section 300. Employees may be required to use leave banks to meet the business needs of the Commission in the absolute discretion of the Commission and/or to prevent improper leave accruals.

As with all other temporary disabilities, a physician's certificate is required to verify the extent and duration of the temporary disability.

An employee who plans to take a medical leave must give reasonable notice at least 30 days, if possible, before the date he or she will take the leave. The notice must include the estimated duration of the leave.

Medical, dental and life insurance coverage will be continued through the end of the last calendar month subject to the continuous service rule unless the employee is eligible under the *federal* Family and Medical Leave Act (*FMLA*). Thereafter, an employee may make arrangements to pay insurance premiums.

An employee's Medical Leave will apply to the federal Family and Medical Leave Act (*FMLA*). For the first twelve weeks of the leave an eligible employee's group health benefits will be maintained at the same level it was prior to the leave, provided the employee maintains the same contribution amount as required prior to the leave of absence.

408 Industrial Leave

An employee who has an industrial illness or injury is entitled to a leave of absence without pay until the employee can either return to duty and perform *the essential functions of his or her prior job duties* ~~duties~~, *with or without restriction reasonable accommodation*, or the employee is terminated due to a physical incapacity because: (1) he or she is *still* permanently disabled over *18 months after the industrial illness or injury* and is eligible for vocational rehabilitation, and/or (2) he or she cannot perform *the essential functions of his or her prior job duties* ~~duties~~, *with or without reasonable accommodation*, ~~restriction~~ *disability over 18 months after the industrial illness or injury*.

As with all other temporary disabilities, a physician's certificate is required to verify the extent and duration of the temporary disability.

Medical, dental and life insurance coverage will be continued through the end of the last calendar month subject to the continuous service rule unless the employee is ~~eligible~~ under the *federal* Family and Medical Leave Act (*FMLA*). Thereafter, an employee may make arrangements to pay *his or her* insurance premiums.

An employee's Industrial Leave will apply to the federal Family and Medical Leave Act (*FMLA*). For the first twelve weeks of the leave an eligible employee's group health benefits will be maintained at the same level it was prior to the leave, provided the employee maintains the same contribution amount as required prior to the leave of absence.

The Commission will maintain group health benefits at the same level it was prior to the leave, provided the employee maintains the same contribution amount as required prior to the leave of absence, while an employee is temporarily disabled for a period not to exceed 18 months, unless a Court of Appeal shortens the time period an employer must maintain group health insurance benefits

for an employee who is disabled due to an industrial illness or injury.

409 *Domestic Violence Leave*

Employees who are victims of domestic violence are eligible for unpaid leave. You may request leave if you are involved in a judicial action, such as obtaining restraining orders, appearing in court to obtain relief to ensure your health, safety or welfare, or that of your child. This is unpaid leave, unless accrued annual leave or accrued compensatory time is utilized.

An employee should provide notice and certification of a need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence, or documentation from a legal counselor or attorney.*
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court.*
- Documentation from a medical professional, a domestic violence services advocate, a health-care provider, or a counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.*

The Commission will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

410 *Paid Family Leave*

In accordance with state law effective January 1, 2004, employees who contribute to the California State Disability Insurance program may be eligible for up to six (6) weeks of paid benefits when time off work is taken to bond with employee's own child or employee's domestic partner's child; or a child placed for adoption or foster care with employee or employee's domestic partner; or to provide care to a child, parent, spouse or domestic partner of an employee who is seriously ill or unable to take care of themselves. An

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employee who plans to take a paid family leave must give a thirty day notice when the leave is foreseeable.

The standards for eligibility are established by the California Employment Development Department. Claims for Paid Family Leave beginning on or after July 1, 2004 are payable through the Employment Development Department, State of California, and are subject to a waiting period of seven consecutive days during which no benefits are available.

The six-week California Paid Family Leave (Family Temporary Disability Insurance Program/FTDI) runs concurrently with the twelve-week federal family care leave (Family and Medical Leave Act/FMLA) and twelve-week California family care leave (California Family Rights Act/CFRA), if applicable.

500 UNAUTHORIZED LEAVES

An employee shall notify his/her supervisor *or a member of management* during the first hour of each workday if he/she is unable to report to work. An employee who does not report to work for three consecutive workdays and who has not reported his/her absence *to his/her supervisor or a member of management*, shall be considered to have voluntarily resigned from his/her position with the Commission.

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